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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/775,393 | 01/31/2001 | Anoop Gupta | 418268854US | 7988 |

45979 7590 11/12/2009

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| EXAMINER | |
|---|---|
| SHEPARD, JUSTIN E | |
| ART UNIT | PAPER NUMBER |
| 2424 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 11/12/2009 | ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentprocurement@perkinscoie.com
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| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/775,393 | GUPTA, ANOOP | |
| | Examiner | Art Unit | |
| | Justin E. Shepard | 2424 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *15 October 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *16,76 and 79-88* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *16,76 and 79-88* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/15/09 has been entered.

### *Response to Arguments*

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Objections*

Claims 16 and 76 are objected to because of the following informalities: The claims refer to including comments for each comment, which seems like a recursive limitation that does not fit with the remainder of the claim wherein metadata identifies comments for portions of a television program. Appropriate correction or clarification is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 16 and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stettner in view of McAnaney in view of Baryla.

Referring to claim 16, Stettner discloses a method in a computing device of rendering portions of a television program (column 3, line 54 to column 4, line 8), the method comprising:

receiving meta data corresponding to the television program (column 3, line 54 to column 4, line 8; figure 1), wherein the meta data includes comments and for each comment (column 3, lines 15-23), an identification of a portion within the television program to which the comment applies (column 8, lines 49-51; column 9, lines 11-18), the meta data having been provided by first viewers of the television program (column 3, lines 15-23), the meta data being organized into sets of meta data for the television program (column 4, lines 54-57; figure 2, part 202); and

receiving from the second viewer input search criteria relating to of the television program (column 9, lines 11-20);

searching by the computing device the selected set of meta data to identify comments of the selected set of meta data that satisfies the input search criteria (column 9, lines 11-20);

for each identified comment, selecting portions the portion of the television program to which the identified comment applies as indicated by the received meta data (column 9, lines 11-20); and

rendering to the second viewer the selected portions of the television program so that each second viewer can view different portions of the television program based on their input search criteria and the selected set of meta data provided by a first viewer of the television program that the second viewer is entitled to access (column 9, lines 11-20).

Stettner does not disclose a method wherein the identification of a portion being an offset from a synchronization point after the beginning of the television program that serves as a common reference location for offsets among different versions of the television program, the synchronization point being specified by a broadcaster of the television program,

providing access rights of a plurality of second viewers to the sets of meta data for the television program, some of the second viewers not being the broadcaster of the television program and not entitled to access all sets of the meta data;

for each of the plurality of second viewers, selecting a set of meta data that the second viewer is entitled to access as indicated by provided access rights.

In an analogous art, McAnaney teaches a method for providing access rights of a plurality of second viewers to the sets of meta data for the television program, some of the second viewers not being the broadcaster of the television program and not entitled to access all sets of the meta data;

for each of the plurality of second viewers, selecting a set of meta data that the second viewer is entitled to access as indicated by provided access rights (paragraph 81).

In an analogous art, it would have been obvious for one of ordinary skill in the art to add the comment protecting taught by McAnaney to the comment method disclosed by Stettner. The motivation would have been to allow certain comments to be protected to allow some form of confidentiality to users who don't wish for their comments to be made public.

Stettner and McAnaney do not disclose a method wherein the identification of a portion being an offset from a synchronization point after the beginning of the television program that serves as a common reference location for offsets among different versions of the television program, the synchronization point being specified by a broadcaster of the television program.

In an analogous art, Baryla teaches a method wherein the identification of a portion being an offset from a synchronization point after the beginning of the television program that serves as a common reference location for offsets among different versions of the television program, the synchronization point being specified by a broadcaster of the television program (figure 2).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the comment frame number identifier taught by Baryla to the comment segment identifying disclosed by Stettner. The motivation would have enabled the

broadcaster to have a finer degree to identify where in the program the comment is identified with, to allow for a more efficient comment searching by the second user.

Claim 76 is rejected on the same grounds as claim 16.

Claims 79 and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stettner, McAnaney, and Baryla as applied to claims 16 and 76 above, and further in view of Braitberg.

Referring to claim 79, Stettner, McAnaney, and Baryla do not disclose a method of claim 16 wherein the access rights are based on subscription fees paid by the second viewers.

In an analogous art, Braitberg teaches a method of claim 16 wherein the access rights are based on subscription fees paid by the second viewers (column 9, lines 57-65).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the fee based commenting method taught by Braitberg to the method disclosed by Stettner, McAnaney, and Baryla. The motivation would have been to allow the content provider to charge for celebrity comments, thereby adding a revenue stream for the content provider.

Claim 84 is rejected on the same grounds as claim 79.

Claims 80 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stettner, McAnaney, and Baryla as applied to claims 16 and 76 above, and further in view of Srinivasan.

Referring to claim 80, Stettner, McAnaney, and Baryla do not disclose a method of claim 16 wherein the television program is received separately from the meta data.

In an analogous art, Srinivasan teaches a method of claim 16 wherein the television program is received separately from the meta data (paragraph 239).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the separate metadata transmission taught by Srinivasan to the method disclosed by Stettner, McAnaney, and Baryla. The motivation would have been to enable the comments to be sent prior to the television signal to reduce the possibility of delay.

Claim 85 is rejected on the same grounds as claim 80.

Claim 81 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stettner, McAnaney, and Baryla as applied to claim 16 above, and further in view of Hoffberg.

Referring to claim 81, Stettner, McAnaney, and Baryla do not disclose a method of claim 16 wherein one version of the television program is an initial broadcast of the television program and another version of the television program is a recorded version of the television program.

In an analogous art, Hoffberg teaches a method of claim 16 wherein one version of the television program is an initial broadcast of the television program and another

version of the television program is a recorded version of the television program (column 64, lines 13-28).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the different versions taught by Hoffberg to the method disclosed by Stettner, McAnaney, and Baryla. The motivation would have been to allow new commercials to be added into later versions of the programs to add additional revenue to the broadcast.

Claim 82 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stettner, McAnaney, and Baryla as applied to claim 16 above, and further in view of Okuno.

Referring to claim 82, Stettner, McAnaney, and Baryla do not disclose a method of claim 16 wherein different first viewers provide meta data based on viewing different versions of the television program.

In an analogous art, Okuno teaches a method of claim 16 wherein different first viewers provide meta data based on viewing different versions of the television program (figure 1, part 5).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the multiple versions commenting taught by Okuno to the method disclosed by Stettner, McAnaney, and Baryla. The motivation would have been to allow for comments to be segmented into different groups depending on the days they are made, as outside events could influence the comments to be different.

Claim 83 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stettner, McAnaney, and Baryla as applied to claim 16 above, and further in view of Skillen.

Referring to claim 83, Stettner, McAnaney, and Baryla do not disclose a method of claim 16 wherein advertisements are inserted when rendering the selected portions.

In an analogous art, Skillen teaches a method of claim 16 wherein advertisements are inserted when rendering the selected portions (column 4, lines 41-50).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the advertisement insertion taught by Skillen to the method disclosed by Stettner, McAnaney, and Baryla. The motivation would have been to subsidize the comment searching method with ads to lessen the cost that would be passed onto the user.

Claim 86 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stettner, McAnaney, Baryla, and Srinivasan as applied to claim 85 above, and further in view of Hoffberg.

Referring to claim 86, Stettner, McAnaney, Baryla, and Srinivasan do not disclose a computer-readable storage device of claim 85 wherein one version of the video is a first recording of the video and another version of the video is a second recording of the video.

In an analogous art, Hoffberg teaches a computer-readable storage device of claim 85 wherein one version of the video is a first recording of the video and another version of the video is a second recording of the video (column 64, lines 13-28).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the different versions taught by Hoffberg to the method disclosed by Stettner, McAnaney, Baryla, and Srinivasan. The motivation would have been to allow new commercials to be added into later versions of the programs to add additional revenue to the broadcast.

Claim 87 rejected under 35 U.S.C. 103(a) as being unpatentable over Stettner, McAnaney, Baryla, Srinivasan, and Hoffberg as applied to claim 86 above, and further in view of Okuno.

Referring to claim 87, Stettner, McAnaney, Baryla, Srinivasan, and Hoffberg do not disclose a computer-readable storage device of claim 86 wherein different first viewers provide meta data based on viewing different versions of the television program.

In an analogous art, Okuno teaches a computer-readable storage device of claim 86 wherein different first viewers provide meta data based on viewing different versions of the television program (figure 1, part 5).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the multiple versions commenting taught by Okuno to the method disclosed by Stettner, McAnaney, Baryla, Srinivasan, and Hoffberg. The motivation

would have been to allow for comments to be segmented into different groups depending on the days they are made, as outside events could influence the comments to be different.

Claim 88 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stettner, McAnaney, Baryla, Srinivasan, Hoffberg, and Okuno as applied to claim 87 above, and further in view of Skillen.

Referring to claim 88, Stettner, McAnaney, Baryla, Srinivasan, Hoffberg, and Okuno do not disclose a computer-readable storage device of claim 87 wherein advertisements are inserted when rendering the selected portions.

In an analogous art, Skillen teaches a computer-readable storage device of claim 87 wherein advertisements are inserted when rendering the selected portions (column 4, lines 41-50).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the advertisement insertion taught by Skillen to the method disclosed by Stettner, McAnaney, Baryla, Srinivasan, Hoffberg, and Okuno. The motivation would have been to subsidize the comment searching method with ads to lessen the cost that would be passed onto the user.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-5967.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/
Supervisory Patent Examiner, Art Unit 2424

JS